

USDC SDNY
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BERMAN

At the United States Courthouse for the
Southern District of New York, 500 Pearl
Street, New York, New York, on the
Day of May, 2007

PRESENT:

HON. RICHARD M. BERMAN

United States District Court Judge

MEMO ENDORSED

-----X

THE NEW YORK FOUNDLING HOSPITAL, INC.,

Plaintiff

ORDER TO SHOW
CAUSE AND
TEMPORARY
RESTRAINING ORDER
DOCKET NO.
07 CV 2846 (RMB)(THK)

-against-

RIVERBAY CORPORATION

Defendant

-----X

Upon reading the summons and complaint, the affidavit of ROBERT L.
SCHONFELD, sworn to on the 8th Day of May, 2007, the affidavit of WILLIAM
BACCAGLINI, sworn to on the 4th Day of May, 2007, the affidavit of ROBERT
MASCALI, sworn to on the 8th Day of May, 2007, and the accompanying memorandum
of law.

after a conference re: whether to
Defendant is ordered to show cause at the United States District Court for the

✓ Southern District of New York, 500 Pearl Street, New York, New York, on the 14th Day of May, 2007, at 4:00 P.M. o'clock in the forenoon or as soon thereafter as counsel may be heard

why an order should not be issued pursuant to Rule 65 of the Federal Rules of Civil Procedure (1) preliminarily enjoining the defendant from taking any steps to evict the residents of the apartments to be acquired by plaintiff, including terminating the leases on the apartments, (2) enjoining the defendant from taking any steps to transfer the ownership of the units presently owned by Lakeside Family & Children's Services to any entity other than plaintiff and (3) enjoining the defendant from continuing to impede the transfer of the units to plaintiff and directing the defendant to provide plaintiff with all of the paperwork necessary to acquire the units.

Further, a temporary restraining order is issued staying the defendant from taking any steps to evict the residents of the apartments to be acquired by plaintiff or terminating the leases on the apartments or transferring the ownership of the units presently owned by Lakeside Family & Children's Services to any entity other than plaintiff pending the hearing of the application of a preliminary injunction.

✓ Security in the amount of will be posted by .

With good cause shown, it is ordered that personal service on the defendant's counsel on or before the 11th Day of May, 2007, (4:00 PM) shall be deemed good and sufficient service.

Any response to be served + filed with simultaneous copy delivered to Chambers by noon on 5/14/07.

✓ DATE: 5/14/07

RMB

Parties to negotiate settlement in good faith prior to 5/14/07 Conference.
RMB

U.S.D.J.

Richard M. Berman